



MEMORANDUM

TO: Sherry Dong
Chairwoman, City of Boston Board of Appeal

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: May 9, 2024

RE: BPDA Recommendations

Please find attached, for your information, BPDA recommendations for the May 16, 2024 Board of Appeal's Subcommittee Hearing.

If you have any questions please feel free to contact me.



Case	BOA1584944
ZBA Hearing Date	2024-05-16
Address	82 to 96 Westland AV Boston 02115
Parcel ID	0401506000
Zoning District & Subdistrict	Fenway Neighborhood MFR/LS
Zoning Article	66
Project Description	Proponent seeking to remove petitioner-only takeout proviso and extend conditional use.
Relief Type	Conditional Use
Violations	Remove proviso: petitioner only takeout

Planning Context:

This case concerns the removal of a petitioner-only takeout proviso. No reason is provided in the application for this change. The original proviso was issued in March 1994 for Cappy’s House of Pizza, a current ground-floor commercial tenant that has been operating at this location for over 20 years. The six-story, mixed use building sits across from an entrance to the Back Bay Fens. Residential and mixed-use rowhouses make up the majority of the block.

Zoning Analysis:

Small restaurants (gross floor area under 1,000 sq. ft) with takeout are conditional uses in Multifamily Residential/Local Services Districts (Article 66, Table A). Restaurants over that threshold are forbidden. The provided plans are very pixelated, making the total gross floor area uncertain. ISD has been contacted for clearer plans.

The conditional use permit for takeout was approved with the proviso that it was “granted to this petitioner only, Cappy’s House of Pizza, for this use only”. Relief by way of removal of this proviso is essentially legalization of an existing use. As such, it poses no adverse effects to the property and surrounding community pursuant to the conditional use criteria in Article 6.

Even if the restaurant does in fact exceed the gross floor area threshold and is therefore classified as a forbidden use, it may also meet the standards for a variance, given that this restaurant with takeout is a long-existing use and that denying the removal of the proviso would cause a hardship to any owner in terms of allowing the site to be eventually be rented to other tenants. Additionally, as required by Article 7-3(c), it is consistent with the intent of the code.



MFR/LS subdistricts were created specifically to allow “ground-floor Retail and Service Uses to serve the neighborhood” (Article 66-7).

The removal of “petitioner only” provisos and extensions of nonconforming takeout uses fits into larger zoning reform efforts. Legalizing existing uses reduces time and money burdens to owners and renters which are often inequitably distributed.

Recommendation:

In reference to BOA1584944, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1572885
ZBA Hearing Date	2024-05-16
Address	3 Bruce ST Dorchester 02124
Parcel ID	1603155000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	65
Project Description	Project seeks to remodel an existing residential building by increasing the building's attic space.
Relief Type	Variance
Violations	Height Excessive (stories) Rear Yard Insufficient

Planning Context:

The project is located in the Dorchester Neighborhood District and within a 1F-5000 subdistrict. The project is in close proximity to Dorchester Avenue, a major mixed-use and transportation corridor, and approximately 0.3 miles from the MBTA’s Ashmont station.

The project site has an existing two-family residential building located on a residential block at the corner of Bruce Street and Ashmont Street, with Florida Street just around the corner.

The block where the project site is located has an array of one-unit residential buildings (5 Bruce Street, 7 Bruce Street, and 9 Bruce Street), and two-unit residential buildings (328 Ashmont Street, 324 Ashmont Street). In terms of scale, the existing block context largely consists of 2.5 story buildings, with a larger number of three-story buildings along Florida Street, including: 125 Florida Street, 123 Florida Street, and 121 Florida Street.

The proposed changes in this project align with the City’s Housing a Changing City: Boston 2030 (2018) goals. The plan expresses the intent in making “improvements to the permitting process to help smaller builders create more housing on small, privately-owned parcels”.

Zoning Analysis:

The project received zoning violations due to its dimensions: Building Height Excessive (stories) and Rear Yard Insufficiency. Article 65 requires that properties have a minimum of 40 feet in rear yard setback; the property has an existing rear yard depth of 7 feet at its shallowest. The



proposed project will demolish a portion of the existing building, thereby slightly increasing the rear yard to 10 feet in depth, but still less than the required 40 feet.

Under Article 65, buildings in 1F-5000 subdistricts are limited to no more than 2.5 stories. The current project is 2.5 stories, and because it seeks to build out its attic space, it will increase the height of the building to 3.0 stories. Under Article 2, a floor is considered a half story if it “does not occupy more than one-half (%) the area of the floor next below...”. The proposed project would add a new three bedroom, two bathroom unit at the attic level. The proposed additions to the attic amount to an additional 1,248 sq ft of new space, where most of the new changes to building are being proposed. The second floor’s square footage is 1,264, indicating that the new attic space would equal almost the same size as the floor right below. Thus, the attic additions would increase the total stories of the existing building to three stories. While the project will have an increase on the gross square footage of the existing property, increasing the FAR from 0.345 to 0.503, whereby the limit of FAR is 0.5 for 1F-5000 subdistricts, there are no proposed changes to the height (feet) of the building.

During the zoning analysis of this project, it was determined that the project exceeds the allowable dwelling units for buildings in 1F-5000 subdistricts. It should be noted that although this project exceeds both the allowable height (stories) and use of this area, the project site is sandwiched between two other subdistricts: a 3F-5000 subdistrict in the block just north of the project site and a 2F-5000 subdistrict just to the south. Due to its location at the intersection of Bruce Street and Ashmont Street, where this shift in subdistricts occurs, it is in close proximity to other taller and denser residential buildings, particularly in the northern 3F-5000 subdistrict. Properties within the project site’s immediate vicinity that are similarly sized to the proposed changes include: 332 Ashmont Street (3 stories, six units (condo)), 125 Florida Street (3 stories, three-unit), and 123 Florida Street (3 stories, three-unit). This suggests an opportunity for future zoning reform given the varied density in this area.

Given that there are already existing buildings in close proximity to the project site that are of similar height in terms of the number of stories, and the resulting improvement will be a small increase in square footage and exterior alteration, the project should be allowed to proceed.

The plans entitled 3 BRUCE ST, BOSTON, MA, 02124 prepared by CASA ARCHITECTURE & CONSTRUCTION on DECEMBER 10, 2023 were used in preparation of this recommendation.



Recommendation:

In reference to BOA1572885, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1503897
ZBA Hearing Date	2024-05-16
Address	2010 Dorchester AVE Dorchester 02124
Parcel ID	1604835000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	10, 65
Project Description	The project seeks to convert an existing single-family residential building into a bi-level, two-family residential building. The basement and first floor would be one unit, and the second floor and attic would be another unit. The development proposal consists of additions to the attic, and an addition of an external staircase between the first and second floors.
Relief Type	Variance
Violations	FAR Excessive Limitation of Area for accessory use (parking) Height Excessive (stories)

Planning Context:

The project seeks to convert an existing single-family residential building into a bilevel, two-family residential building. The basement and first floor would be one unit, and the second floor and attic would be another unit. The development proposal consists of additions to the attic, and an addition of an external staircase between the first and second floors.

The project is located in the Dorchester Neighborhood District and within a 2F-5000 subdistrict. The project is located on Dorchester Avenue, a major mixed-use and transportation corridor, and approximately 0.2 miles from the MBTA’s Ashmont station. The project is located on a residential section of Dorchester Avenue, with mostly a mix of single-family and two-family residential buildings.

The increased housing units proposed in this project aligns with the City’s goals to develop more housing, per Housing a Changing City: Boston 2030 (2018). The plan notes the importance of supporting “projects and planning that create additional density in locations with good transit that are affordable to the middle class”. The plan also expresses the intent in making “improvements to the permitting process to help smaller builders create more housing on small, privately-owned parcels”.



Zoning Analysis:

The proposed project is in violation of the side yard buffer requirements due to increase in height and density.

Under Article 10, Section 1, side yards used for off-street parking must be located a minimum of five feet from the property line. The existing property has a 12.3' side yard that is also used as a driveway. The driveway takes up the entirety of the 12.3' of side yard and presents an existing nonconformity.

The project is also in violation of the allowable height (stories) and FAR. Current FAR limits buildings at 0.5. The project is proposing a FAR of approximately 0.75 FAR. Allowed height is limited to 2.5 stories. Under Article 2, a floor is considered a half story if it "does not occupy more than one-half (%) the area of the floor next below...". The proposed project would add two bedrooms, a bathroom, and a shed dormer, adding about 400 square feet in livable space to the attic floor. This is approximately 65% of the size of the floor directly below. Thus, the attic additions would increase the total stories of the existing building to three stories.

Currently, the existing block is predominantly 2.0 stories (1989-1991 Dorchester Ave, 1993 Dorchester Ave, 2012 Dorchester Ave) with some 2.5 story buildings (1997-1999 Dorchester Ave, 2006 Dorchester Ave). Many of the existing buildings exceed the 0.5 FAR limit, including: 1989-1991 Dorchester Ave (0.65 FAR), 1993 Dorchester Ave (0.56 FAR), and 1997-1999 Dorchester Ave (0.61 FAR). This suggests that the proposed project's increase in density does not greatly differ from the existing neighborhood context.

Given that there are already existing buildings in close proximity to the project site that are of similar height and density, and the resulting improvement will be a small increase in exterior alteration, the project should be allowed to proceed.

The plans entitled ONE TO TWO FAMILY CONVERSION, 2010 DORCHESTER AVENUE, BOSTON MA prepared by T DESIGN, LLC on FEBRUARY 11, 2023 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1503897, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1585746
ZBA Hearing Date	2024-05-16
Address	45 to 47 Braeburn RD Hyde Park 02136
Parcel ID	1811380000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Proponent seeks to legalize existing two-family use.
Relief Type	Variance
Violations	Parking or Loading Insufficient Use: forbidden (2F)

Planning Context:

45-47 Braeburn Road is a two-story home in a residential area of Hyde Park directly adjacent to the Stony Brook Reservation. Surrounding houses are of a similar typology- detached one- to three-story dwellings. The lot is a 9-minute walk from the Hyde Park T stop and a 12-minute walk to Cleary Square, a Squares + Streets planning and zoning initiative area.

Completed in 2011, the Hyde Park Strategic Neighborhood Plan identifies neighborhood goals relevant to this project, including “encourag[ing] the development of housing” and “encourag[ing] non-vehicular transportation modes.”

This house has been identified as the Assessor’s Office as a two-family dwelling since 2012 despite being within a one-family subdistrict. While no year of construction is provided, the plans note that the additional unit was built before the current owners purchased the property. This project seeks to legalize that existing unit. Boston has an inherent interest in legalizing its existing housing stock, which allows owners to continue to maintain and renovate their properties as needed. High costs of maintaining a property can contribute to displacement of renters, owners, or both.

The costs of dealing with these nonconformities disproportionately falls on lower-income owners, which worsens inequalities within the city (Reforming the Boston Zoning Code, 2023).

Zoning Analysis:



The proposed project has two violations. The first is for a forbidden use. Because the house is in a one-family subdistrict, its existing use as a two-family dwelling triggers a violation. Similarly, the insufficient parking violation stems from the parcel's two-family use. The Code requires two off-street parking spaces per unit (Table F). Therefore, the change in use calls for two additional parking spaces (for a total of four spaces).

The conditions to grant a variance are outlined in Article 7. For a variance to be granted, impacts to the neighborhood and public welfare should be considered, as well as its harmony with the purpose and intent of the Code. There are no readily apparent impacts to the neighborhood or to the public welfare that would result from legalizing this already existing use - one that has already been confirmed by the Assessing Department.

Future zoning reform efforts should seek to legalize existing housing by better aligning zoning unit caps and current density with the existing building stock. Parking requirements should also be reconsidered in this area, given both close proximity to transit and the Hyde Park Strategic Neighborhood Plan goal to encourage non-car modes of transportation.

Recommendation:

In reference to BOA1585746, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1575868
ZBA Hearing Date	2024-05-16
Address	294 Metropolitan AVE Roslindale 02131
Parcel ID	1804875000
Zoning District & Subdistrict	Roslindale Neighborhood 1F-6000
Zoning Article	67
Project Description	Convert 3rd floor attic of a 2-family residential building into living space by elevating the roof ridge line and adding dormers, effectively increasing the roof height in feet and stories.
Relief Type	Variance
Violations	Existing Building Alignment Height Excessive (stories) Front Yard Insufficient

Planning Context:

The proposed project would expand on an existing 2-bedroom dwelling unit on the 2nd floor of a 2-family residential building with a hip roof. The proposal would convert the 3rd floor attic into new living space with 3 bedrooms, 2 bathrooms, and a lounge. In order to increase the living space, the proposed project would elevate the roof ridge line, change the roof line, and add dormers, effectively increasing the roof height in feet and stories.

The site of the proposed project is located in southeastern area of Roslindale, a few blocks west of Hyde Park Avenue. It is currently occupied by a 2.5-story 2-family dwelling and a detached garage. Abutting the site to the east is a 1-story residential building and to the west is a 1.5-story residential building. Across Metropolitan Avenue are two 2.5 story residential buildings. The neighborhood is residential with a mix of 1.5- and 2.5-story homes, and at least one 3-story residential building with a mansard roof within a couple blocks of the proposal.

Zoning Analysis:

The proposal will increase the ridge of the roof, in other words the highest point of the building, by two feet from 25' 6" to 27' 6", as well as add dormers in order to provide more living space, resulting in an increase in the number of stories from 2.5 to 3. The proposal includes no change to the first or second stories or the building footprint.



Two of the violations for which the proposal is cited relate to the location of the existing building: building alignment and insufficient front yard. The proposed project will extend but not worsen these existing nonconformities.

The third violation is related to the proposed change in the roof line and addition of dormers, resulting in an increase in the proposed building height in stories from the zoning maximum of 2.5 stories to a potential 3 stories. Notably, the proposed increase of the height in feet from 25' 6" to 27' 6" does not exceed the zoning maximum of 35 feet. In addition, the proposed dormers are consistent with the existing architecture of the house, which includes smaller existing dormers on the gabled roof, as well as the neighborhood context where residential buildings have a variety of rooflines. Therefore, the proposed project would provide greater residential space without changing the building footprint nor exceeding zoning maximum height in feet.

Recommendation:

In reference to BOA1575868, the Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO that plans be submitted to the Agency for design review with attention to the design of the new roofline.

Reviewed,

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Director of Planning, BPDA



Case	BOA1555503
ZBA Hearing Date	2024-05-16
Address	50 Prescott ST Hyde Park 02136
Parcel ID	1809512000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Proposed rear addition to add approximately 500 SF including new common area, 3 bedrooms in Unit 2, Unit 2 Master Bedroom (with bathroom), and Bonus Room for Unit 2 in attic.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The project proposes a rear addition to an existing two-unit building in the Hyde Park neighborhood. The project is located within the study area for the Fairmount Indigo Corridor Planning Initiative (2014), within the focus area of Readville Station. The station area plan for Readville identifies the area as having a unique "opportunity for employment growth," and that any "development for Readville as an employment center should retain the existing residential uses and the existing boundaries to keep neighborhoods intact."

Adjacent parcels to the proposed project contain structures with a similarly sized floorplate, front, and rear setbacks to the existing building. The project parcel is zoned for single family use, but appears to be in current use as a two-family residence. The Assessor's Report for the property lists it as a single-family dwelling, despite the current configuration. It is unclear how long the structure has been used as a two-family residence. It should be confirmed whether the proposed extension will require the removal of the mature canopy tree in the rear yard. The two-unit building remains contextually appropriate based on the provisions of the Fairmount Indigo Corridor Planning Initiative for the Readville Station focus area. The proposed addition would improve the quality of the second unit in the building.

Zoning Analysis:



The proposed project is located within the Hyde Park Neighborhood District, within a One-Family Residential (1F-6000) subdistrict, pursuant to Article 69 of the Zoning Code. The proposed addition includes dimensions which violate the FAR and rear yard dimensions set forth by the Code. The side yard setback violation persists from the existing condition of the structure, for which a 10' setback is required on either side. With the current structure, existing side setbacks are limited to 14' to the north (compliant) and 3.4' to the south (noncompliant). The proposed addition does not worsen this condition, but does extend it further into the rear of the parcel. The FAR violation also persists from the existing condition, but is worsened by the proposed addition. The existing FAR is 0.6, in excess of the 0.5 allowed by the Zoning Code. The proposed addition results in an FAR of 0.9, nearly double the allowable ratio. For the 1F-6000 subdistrict, a rear setback of 40' is required by the Zoning Code. The existing condition of the building provides a noncompliant rear setback of 38.1', worsened to 18.1' by the proposed addition. The addition would set the rear of the building far deeper into the parcel than any of the surrounding structures.

Recommendation:

In reference to BOA1555503, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE on the basis that more information about the conflict with the tree in the rear yard can be provided.

Reviewed,

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Director of Planning, BPDA



Case	BOA1495809
ZBA Hearing Date	2024-05-16
Address	8 Friendship RD Mattapan 02126
Parcel ID	1801418000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	Article 69
Project Description	Changing occupancy from 1 to 2 units with a 14-foot rear addition for first and second floors. Unit 1 to occupy first floor and Unit 2 to occupy 2nd floor and attic.
Relief Type	Variance, Conditional Use
Violations	Lot Width Insufficient Rear Yard Insufficient Usable Open Space Insufficient Parking Design and Maneuverability Use: Forbidden (Two Family)

Planning Context:

This site lies within a residential neighborhood at the edge of Mattapan and Hyde Park, two blocks south of River Street and within 1/4 mile of the Shops at Riverwood commercial center. This neighborhood is a mix of 1- and 2-unit buildings with uniform front yards and lot sizes. Several nearby homes on similar-sized lots that are 50' wide and 100' deep are two-unit buildings, including two of the properties immediately abutting this site.

The site is within the PLAN: Mattapan study area, but zoning has not been updated here because this area is within the Hyde Park Neighborhood Zoning article. PLAN: Mattapan calls for increasing the neighborhood's housing supply to ease demand and competition for current housing stock in Mattapan, and a large impact does not need to come from large development alone. The PLAN states that within the traditional residential fabric, like this site, infill development that is in keeping with neighborhood character will create more low-rise (1-3 family) housing stock. Although this is not an infill development, the proposed rear addition maintains the neighborhood character from the street view and the additional massing in the rear is in line with the size and scale of nearby two-unit buildings.

Given the surrounding context of a mix of 1- and 2-unit buildings and alignment with the goals of PLAN: Mattapan, this is an appropriate addition for this site.



Zoning Analysis:

Two-Family is a forbidden use within this 1F-6000 subdistrict of Hyde Park. However, immediately adjacent properties have Two-Family uses as well as several properties throughout the surrounding streets.

The proposed project is cited for insufficient lot width; the required lot width is 60', but this property is 50' wide. Lots within this 1F-6000 subdistrict are typically 50' wide by 100' long, so this minimum of 60' is an outdated requirement and is a case for zoning reform to better align dimensional requirements to existing conditions.

The proposed project is cited for its off-street parking design, because of the tandem parking located in the driveway along the side yard. Section 69-29.5 does not explicitly reference tandem parking, however subprovision (a) states that facilities have to have appropriate maneuvering areas and be designed to not constitute a nuisance or hazard to traffic. Tandem parking is a common occurrence along this small residential street and any maneuvering required for tandem parking would not reasonably cause a nuisance or hazard to traffic in the public right of way.

The project violates the required 40' rear yard setback; the existing rear setback is 43.4' and the proposed is 35'. This is worsening the rear yard condition, but four of the surrounding properties also have rear yards between 30' and 35'.

Finally, the required open space for two dwelling units is 3,600 square feet, which would constitute just over 70% of the area of the property. Today, there is around 2,750 square feet of open space split between a front yard, the backyard, and a deck. The proposed open space is 2,400 square feet, which slightly decreases the amount of open space in the backyard while maintaining the front yard and a new deck. Overall, the scale of this proposed addition and the resulting violations are similar to the surrounding context for both 1-unit and 2-unit buildings.

Plans reviewed are titled "8 Friendship Road", prepared by Design Development Consultants, and dated July 5th, 2022.

Recommendation:

In reference to BOA1495809, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1538430
ZBA Hearing Date	2024-05-16
Address	3 Rosa ST Hyde Park 02136
Parcel ID	1807007000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	Construct a two-story addition to the rear of the already existing single-family home which would include a 1st floor living area, kitchen, half bath and on the second floor, a bedroom w/ walk-in closet, full bathroom, outdoor deck. They also seek to construct a new rear yard deck less than 1' off the ground.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The proposed plans for BOA1538430 are located at 3 Rosa Street in Hyde Park. This is a moderately transit rich neighborhood, being that it is a little over 15 minute walk from Cleary Square and two commuter rail stations. The parcel is located between two major community assets and green spaces: the Ross Playground and the Doyal Playground (which exists on the edge of the Neponset River). Both of these parks are within easy walking distance. The street surrounding the dwelling has a mix of two-family and single-family buildings. On the south end of Rosa Street, where it meets River Street, there are two larger apartment complexes. One of these complexes directly abuts the parcel, while the other side is home to a single-family home. At least two of the houses on the surrounding block have rear extensions and several more than that have an accessory building in the rear of the lot.

The proponent seeks to construct a two-story addition to the rear of the existing single-family home through the demolition of the rear wall. The front facade would remain largely the same, maintaining its fitting in with the surrounding planning context. The addition's first floor would contain a living area, kitchen, and half bath. The second floor would contain a bedroom with a walk-in closet, a full bathroom, and an outdoor deck. The addition would also contain a connection on the first floor to the existing home.



Zoning Analysis:

3 Rosa Street is located in the Hyde Park neighborhood district, and 2F-5000 subdistrict (two-family residential). The proposal currently has three dimensional regulation violations. The first of which is related to the floor area ratio (FAR) which is currently 0.5. The proposed FAR is marginally in excess of the code by 0.04. The proposal remains consistent with the surrounding context as it maintains the two to two-and-a-half story height of the buildings that surround it. Additionally, it should be noted that several of the surrounding houses have similar rear additions. The proposal is also in violation of rear and side yard requirements which are 10 feet, and 40 feet respectively for the 2F-5000 subdistrict. The existing structure is already in violation of the side yard requirement by approximately 8 feet and would improve by about a foot under this new proposal. Further, there is also already a violation of the rear yard requirement by two-and-a-half feet. The new proposal would violate the current requirement by 14.5 feet. However, the rear addition is common in this area (varying between 30 and 40 feet), and so would remain contextually sound.

Recommendation:

In reference to BOA1538430, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1538456
ZBA Hearing Date	2024-05-16
Address	94 Westminster ST Hyde Park 02136
Parcel ID	1807633001
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Addition of rear stair up to top story.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

Property is a single-family home in the middle of a 1F-6000 subdistrict, in a residential district a few blocks east of Hyde Park Ave in Hyde Park. Proponent wants to add a rear stair.

The plans show photos of what appears to be an existing staircase that is more or less identical to what is proposed in the plans, which are described as partial as-built drawings. It is not clear if the staircase needs to be rebuilt, if the existing one was done without a permit and repairs are needed that trigger a zoning violation, or if these photos are of a different but similar property. Either way, there is an existing exterior door at the top of the house's top story, and a staircase to get from that to the ground level would provide not only additional egress for safety but also prevent an attic door from being an unsafe condition in its own right. A wooden stairway like this is a common presence in homes in Boston, and this change is contextually appropriate.

Zoning Analysis:

Per Article 69, Table C, a single-family home in a 1F-6000 needs a rear yard of at least 40 feet. While an exact measurement is not on the plans, the existing structure has a rear yard of approximately 30 feet as per GIS, which is a preexisting nonconformity. At its longest point, the staircase runs 15' from the back of the house, which does worsen the existing nonconformity. That said, the majority of this worsened condition is only 3'10" wide, representing the width across a single segment of staircase perpendicular from the house onto an existing concrete slab. Most of the stairway runs parallel to the rear of the house, and is a common condition for rear egress in Boston. There is a small pre-existing porch on the top story of the house that this staircase would provide access to.



The change is limited to a backyard, provides good improved access and egress to the top floor of an existing home, and zoning relief is appropriate.

Recommendation:

In reference to BOA1538456, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1546755
ZBA Hearing Date	2024-05-16
Address	5 Reynold RD Hyde Park 02136
Parcel ID	1812810000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	Article 69
Project Description	Construct a second story addition onto an existing 1.5 story single family home.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

This project is located at 5 Reynold Rd in Hyde Park. This is a transit rich neighborhood, being that it is a three minute walk from the Franklin/Foxboro commuter rail station. It is also within close walking distance of two bus lines (32 and 33). The parcel is located in a majority single-family residential neighborhood, with two single-family one-and-a-half and two-story residential homes directly abutting it. The proposal seeks to build a second story addition onto the existing one-and-a-half story single-family home, which involves the demolition, framing, window installation, siding, and roofing of the addition. This addition will not extend into the rear or side yard, it will only extend up.

Zoning Analysis:

5 Reynold Rd is located in the Hyde Park neighborhood district, and 1F-6000 neighborhood subdistrict. The proposal is currently in violation of two dimensional regulations in Article 69: front yard and side yard requirements. However, the proposed second story additions would not affect or worsen the existing dimensional violations that are being cited (which are currently approximately 6 feet on the side and about 60 feet in the rear). That being said, the dimensions on the plans are very challenging to read, and might benefit from being resubmitted in a clearer format.

Recommendation:

In reference to BOA1546755, The Boston Planning & Development Agency recommends APPROVAL.

BOA1546755

2024-05-16

1 Boston Planning & Development Agency



Reviewed,

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Director of Planning, BPDA



Case	BOA1549736
ZBA Hearing Date	2024-05-16
Address	43 Knoll ST Roslindale 02131
Parcel ID	2005095000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Removing existing back porches on the first and second floor and replace them with roofed decks, with attached stairs.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient

Planning Context:

This project proposes removing the existing porches on the rear of the first and second floors of an existing two family structure. The proponent then plans on replacing them with slightly larger, covered decks. This includes an egress stair in the rear. Decks of this sort are common in this area of Roslindale and help to reinforce the residential fabric of the neighborhood. The required setbacks in this instance do not contribute to neighborhood character which is two and three family residences, with very small yards or a zero lot line.

Zoning Analysis:

This project is triggering two violations: The rear setback, and the side setback. Article 67 section 9 lists the setback requirements at a minimum of 10 feet for the side yard and a minimum of 40 feet for the rear yard setback. These violations already exist within the already constructed building. The rear yard is already only 17 feet instead of the required 40. This addition would constrict it further to 14 feet from the rear property line. While the egress stairs extending the length of the building, the rear decks themselves are not expanding any further which could potentially cause issues with abutters enjoying privacy on their property. Many of the surrounding buildings also have rear decks of a similar size and help to contribute to the characterization of the neighborhood.

The side setback is already in violation and this project would not extend the building any further in this dimension. The main residential building, not just the deck, is in violation.



Recommendation:

In reference to BOA1549736, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1552488
ZBA Hearing Date	2024-05-16
Address	340 Baker ST West Roxbury 02132
Parcel ID	2009154000
Zoning District & Subdistrict	West Roxbury Neighborhood Community Commercial
Zoning Article	56
Project Description	Renovate existing two-family house to add living space to basement, rework existing layout on the first and second floor, raise the roof to add additional living space to the attic, and install a new rear deck for egress.
Relief Type	Variance, Conditional Use
Violations	Rear Yard Insufficient Nonconforming Use Change

Planning Context:

The proposed project seeks to renovate the existing two-family house at 340 Baker Street in West Roxbury through both internal and external renovations. Internal renovations include adding living space into the basement and attic and revisions to the existing layout on the first and second floors. As a result, it would create two 3-bedroom units. External renovations include raising the roof to add the living space to the attic and adding a rear deck for the second floor unit for egress in the rear. While this portion of Baker Street is currently zoned as Community Commercial, Baker Street contains a mix of residential buildings that contain single-family and two-family houses. The proposed project also neighbors an electrical substation and offices to its south.

This project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) as it would add additional living areas to existing housing for larger households.

Zoning Analysis:

The refusal letter states that there are violations for a nonconforming use change and an insufficient rear setback. Within a Community Commercial Subdistrict, a two-family residential dwelling is a conditional use. As this project is proposing the addition of living space in the basement and attic, it is an extension of a nonconforming use. However, relief is recommended



for this violation as Article 9 Section 2 states that a structure or land that is being lawfully used for a use not conforming to this code, such structure or land may be used for another nonconforming use as long as a permit has been filed and the Board of Appeal grants permission for the substitute nonconforming use. As the nonconforming use change is allowable under Article 9, it is recommended that this change is allowed because this extension will allow larger households to live in the area as the changes will create two 3-bedroom units.

The other violation is an insufficient rear yard. Under Article 56 for a Community Commercial Subdistrict, the minimum rear yard is 40 feet. However, the existing rear setback was already non-conforming with the Code as it was 20.3 feet. This is a case for zoning reform to allow the extension of existing non-conformities, when the structure otherwise conforms to dimensional requirements and the existing non-conformity is not increasing, so as to incentivize retention and improvement of existing structures.

The plans reviewed are titled 340 Baker Street and are dated November 12, 2023. They were prepared by Bruce Saluk & Associate, Inc.

Recommendation:

In reference to BOA1552488, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1555663
ZBA Hearing Date	2024-05-16
Address	108 Murdock ST Brighton 02135
Parcel ID	2202067000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Extending the existing dormer to add a three-quarters bathroom (shower, no tub) in a finished attic, and rebuild a side entrance on the existing footings with the same dimensions.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Rear Yard Insufficient

Planning Context:

Property is a single-family home in the middle of a 2F-5000 subdistrict, in a residential district a few blocks south of the Guest Street Local Industrial zone in Allston/Brighton. Proponent wants to expand an existing dormer on the third floor attic of the house (which currently encloses the staircase to the attic), so that part of the existing crawl space under the roof can be converted to a bathroom. There are two existing bedrooms on this third floor, which will continue to be bedrooms. There will be no kitchen, and this will not be an independent accessory unit.

The Allston/Brighton Needs Assessment was completed in January, though it does not discuss housing renovation specifically, and a community plan for Allston/Brighton is beginning this year. These changes do fall into the principle of creating "diverse housing options" from Housing a Changing City, Boston's citywide housing plan. More specifically, by continuing to improve existing housing units to maintain their continued viability, especially by increasing the stock of units that can accommodate larger households, this proposed improvement does advance planning goals.

Proponent also seeks to rebuild a side entrance to the house on existing footings.



Zoning Analysis:

Per Article 51, Table D, the rear yard for a single family house in a 2F-5000 must be at least 30 feet. While not specifically identified and not to scale, the site plan suggests that the current house placement is less than 10'. While the zoning refusal cites this as a violation, the new stairway will not worsen or extend the condition, making it a pre-existing nonconformity, and zoning relief is appropriate.

Per Article 51, Table D, the maximum FAR in this subdistrict is 0.6. The current FAR is 0.80. Abutting lots have similar or higher existing FAR conditions, making this change contextually appropriate. The additional dormer would adjust the FAR up to approximately 0.82, which is a de minimis change, and zoning relief is appropriate.

Per Article 51, Table D, the maximum story height in this district is 2.5. With additional space under a heightened roofline under the dormer, this expansion will increase the building's height under zoning to three stories. The property across the street, along with many other properties along the block, have a full three story height. Given the contextual appropriateness of this height, and the small actual change to effective bulk and height, zoning relief is appropriate.

Zoning reform should, at a minimum, adjust existing dimensional and use regulations to allow properties like this to conform to baseline zoning, so that small changes to ensure the ongoing maintenance of properties need not seek relief from zoning in almost all cases.

Recommendation:

In reference to BOA1555663, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1518380
ZBA Hearing Date	2024-05-16
Address	104 Child ST Jamaica Plain 02130
Parcel ID	BOA1518380
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	Multiple additions on different sections of an existing dwelling including a 1-story addition expanding the living area, a 2-story addition with a 2-car garage on the ground floor, and a 2nd story above the the existing dwelling.
Relief Type	Variance
Violations	Existing Building Alignment Side Yard Insufficient Rear Yard Insufficient Front Yard Insufficient FAR Excessive

Planning Context:

Zoning Board of Appeal review of the proposed project was rescheduled from April 25, 2024 to May 16, 2024. No new plans were submitted, so the BPDA’s recommendation remains the same.

The proposed project includes three additions to an existing, rectangular 1-story dwelling: a 1-story addition extending the western portion of the dwelling towards the street; a 2-story addition extending the eastern portion of the existing dwelling towards the street; and a second story above a section of the eastern portion of the existing dwelling.

The site is located in a residential neighborhood one block west of the Southwest Corridor and less than a half mile south of Green Street station on the Orange Line. Closer to Centre Street, Child Street is lined with triple-deckers with consistent front setbacks. On this block between Lee Street and Call Street, the housing typology is mixed with 1- to 3-story dwellings and setbacks that vary from a couple of feet to approximately 50 feet.

Zoning Analysis:



The proposed project is located in the Jamaica Plain neighborhood, three-family (3F-5000) subdistrict. There are no overlay districts.

The site is currently occupied by a dwelling unit located on the rear half of a 50-foot wide, 65-foot deep lot with existing rear and side yards of less than one foot. The neighboring property to the west of the proposed project is a 3-story dwelling unit on a corner lot with less than 5-foot front yards on both streets. The rear yard along the lot line of the proposed project site is less than 1 foot, but the other rear yard is approximately 30 feet and the existing dwelling on the proposed project site abuts this yard rather than the dwelling. On the eastern side of the proposed project is a parcel occupied by a 3-story dwelling sited in the rear of a much deeper lot, resulting in the proposed project abutting the front yard of the neighboring dwelling.

The proposed project proposes an 8 foot front, 1 foot on west side and 3 feet on east side yard, and 12 1/2 foot rear setback for the additions. Each of these violate the zoning requirements: 15 feet front; 7 feet from side lot line and 10 feet from structure on abutting lot provided the combined side yards are at least 17 feet; and 20 feet rear yard. The side and rear yards of the existing dwelling are non-conforming, and the proposed project has larger side and rear yards than the existing dwelling thus only extending an existing non-conformity. However, the 1-story addition in the western portion of the proposed project parcel will create a new condition of directly abutting the adjacent building, rather than abutting the rear yard of the adjacent lot. Therefore, the extension of this non-conforming side yard has new impacts on the abutting parcel.

In addition, the proposed project extends into the front yard 7 feet, resulting in a proposed 8 foot front yard. Where there is a well-defined modal setback along the stretch of Child Street closer to Centre Street, the front setback is closer to 13 feet. Therefore, the proposed nonconformity is not supported by planning, zoning, or neighborhood context nor any distinct features of the lot.

Recommendation:

In reference to BOA1518380, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a site plan that includes a front yard and side yard on the west side of the lot that conforms to front and side yard zoning requirements.



Reviewed,

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Director of Planning, BPDA